

REMARKS

Claims 1-8 are pending in the application. Claims 1-6 stand rejected.

Claims 7 and 8 are found to be allowable if rewritten in independent form. Claim 7 has been amended to independent form.

Claims 9 and 10 have been newly added. Claim 10 is based upon original claim 1 and a portion of claim 7. No new matter is entered.

The drawings are objected to for showing a descriptor M34, which is not described in the specification.

In reviewing the specification it appears that Fig. 15, which shows M34 was described, for example, in paragraphs 108 and 109 as a descriptor of M33 instead of M34. The specification has been amended to correct the M33 reference for "prohibited IP notification" to M34 as designated in Fig. 15.

No new matter is entered since it is clear that the specification is referring to the "prohibited IP notification" message M34 and not M33.

Claims 1, 7 and 8 are objected to for informalities.

In claim 1 "each subscriber terminal" has been amended to "a subscriber terminal."

Claims 7 and 8 have been amended to clarify applicant's claimed features.

In view of the clarifications it is respectfully requested the claim objections be withdrawn.

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fijolek et al. (Fijolek) in view of Wong et al. (Wong).

Fijolek discloses a cable modem system with the customer premise equipment and cable modem. Wong is cited for showing the details of packet filtering.

Applicant claims "the cable modem having a DHCP relay agent for relaying the DHCP messages as a relay agent, an IP address detector for detecting the IP address from the DHCP message"

In addition applicant's claim states a DHCP server for dynamically allocating an IP address to the subscriber terminal by transmitting and receiving DHCP messages to and from the subscriber terminal through the cable modem.

Therefore the IP detector in the cable modem is detecting the IP address form DHCP messages which are being sent to and from the subscriber terminal.

The Office Action refers to column 22, lines 42-45 of Fijolek to show the cable modem detecting the IP address from the DHCP message.

However, the reference states: "If an IP 54 address for a network host interface is returned that is different from the IP 54 address sent by CM 16 in the DCHCPREQUEST message, CM 16 uses the IP 54 address it receives in the DHCPACK message as the IP 54 address of the selected network host interface for receiving data from data network 28." (emphasis added).

It is the CM which is generating the messages and receiving the return messages. As taught in the reference, for example col. 13, starting at line 50, col. 17, line 54, col. 18, line 32, and FIG. 12, when the CM is sending and receiving the messages it is detecting the IP address from the DHCP message to and from the CM and not the subscriber terminal as claimed by applicant.

As pointed out in the Office Action the reference does state that the CPE in Fijolek can use the CM to generate requests to obtain an IP address to communicate with the data network. (col. 22, line 62).

However in this embodiment of Fijolek there is no description of the CM detecting the IP address from the DHCP message to the subscriber terminal. The DHCP messages are transmitting and receiving DHCP messages to and from the subscriber terminal. In addition from the entire disclosure of Fijolek, it is the cable modem which is discovering IP address for the network host interface. When the CPE is sending DHCP messages there is no mention of the CM detecting the IP address.

It is respectfully submitted that the combination of Fijolek and Wong fails to disclose the claimed features of claims 1, 2 and 10.


Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fijolek in view of Wong and further in view of Takahara et al. (6,078,583); claims 2 and 4 are also rejected as unpatentable over Fijolek, Wong and further in view of Philippou et al. (6,385,648). Claim 6 is rejected as unpatentable of Fijolek, Wong, Philippou et al. and Takahara et al.

It is respectfully submitted that none of the additional references teaches the lacking features of the combination of Fijolek and Wong with regard to claim 1. Each of the cited claims is dependent upon claim 1 and includes at least the above distinguishing features plus additional features. It is respectfully requested the rejections be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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